

2001 JUL 26 A 10:46

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

The South Dakota Democratic Party and  
Bill Nibbelink, as treasurer<sup>1</sup>

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)  
**SENSITIVE**

GENERAL COUNSEL'S REPORT # 4

I. ACTIONS RECOMMENDED:

II. BACKGROUND

On July 1, 1998, the Federal Election Commission ("the Commission") found reason to believe the South Dakota Democratic Party ("the State Party") and Henry Maicki, as treasurer, (collectively referred to as "Respondents") violated 2 U.S.C. §§ 441a(a)(2)(A), 441a(f) and 434(b), and 11 C.F.R. § 102.5(a) in connection with certain television and radio ads that were paid for by the State Party and aired during the 1996 general election race between Congressman Tim Johnson and Senator Larry Pressler. The Commission also approved Subpoenas and Orders directed to the State Party and Congressman Johnson's campaign committee.

<sup>1</sup> On July 15, 2000, the South Dakota Democratic Party informed the Commission that Bill Nibbelink is its new treasurer.

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<sup>3</sup> As a result of the Commission's decision to narrow this case, the amount of expenditures at issue did not exceed the State Party's spending limits under Section 441a(d). Consequently, this Office did not send a probable cause brief to Tim Johnson for South Dakota, Inc. and Berniece F. Mayer, as treasurer, and now recommends that the Commission take no further action and close the case as to them.

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13 **V. RECOMMENDATIONS**

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18 Take no further action and close the file as to the allegations that the South Dakota  
19 Democratic Party and Henry Maicki, as treasurer, violated 2 U.S.C. §§ 441a, 441a(f) and  
20 434(b), and 11 C.F.R. § 102.5(a) in connection with the television and radio ads that were  
21 paid for by the South Dakota Democratic Party and aired during the 1996 general election  
22 race between Congressman Tim Johnson and Senator Larry Pressler.  
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24 Take no further action and close the file as to Tim Johnson for South Dakota, Inc. and  
25 Berniece F. Mayer, as treasurer.  
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Approve the appropriate letters.

Date

7/26/01

Lois G. Lerner

Acting General Counsel

Staff assigned: Jack A. Gould